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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/440,434	11/15/1999	ADAM W. FINGERMAN	FINGERMAN1-1-1	2945

7590 05/11/2005

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120 NORTH LASALLE STREET  
CHICAGO, IL 606033406

EXAMINER
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LIM, KRISNA

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/440,434

Applicant(s)

FINGERMAN ET AL.

Examiner

Krisna Lim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed 02/28/05.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-17, 19-23, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-17, 19-23, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. This action in response to Amendment filed February 28, 2005. After further reconsideration of the claimed intention and the references, finality of the rejection of the last Office action and the Examiner's indication of allowable claims are withdrawn.

2. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-17, 19-23 and 25-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Brien et al. [U.S. Patent No. 6,351,776] in view of Kriegsma [U.S. Patent No. 5,991,809] and Saigh et al. [5,734,823].

4. O'Brien et al. disclose (e.g., see Fig. 14) the invention substantially as claimed. Taking claim 9 as an exemplary claim, the reference discloses a sharing Internet storage resource providing Internet based file storage, retrieval, access, control, and manipulation for a user, comprising the steps of:

a) receiving a request for media program storage services from a client (e.g., see the abstract, col. 3 (lines 15-28));

b) allocating a predetermined amount of client available storage capacity to the client (e.g., see col. 3 (lines 17-28) and col. 4 (lines 9-10)) in response to the request for media program storage service, the predetermined amount of client available storage capacity allocated to the client being determined by a request for storage capacity from the client ;

c) receiving a request for storage of an identified media program from the client (e.g., see "Upload" function of Fig. 14, and col. 18 (lines 13-32)); and

d) storing the identified media program and determining an amount of client available storage capacity remaining after the storage of the identified program (e.g., see "X:drive remaining message" of Fig. 14).

5. In Fig. 14 while O'Brien discloses that Andrew Jordan's X:drive capacity is allocated for 35 .00 MB, O'Brien does not explicitly mention Andrew Jordan is being charged based on the amount of this allocated storage. It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that assigning a cost or charging fee to the client based on the allocated amount of storage that allocated to that client would have well known in the art as evidence by Kriegsman at col. 2 (lines 51-54), col. 4 (line 65)). Sharing Internet Resource with a high-speed access storage facility (e.g., see col. 3 (lines 22-26) of O'Brien and having a low cost of renting storage area (e.g., see Kriegsmas at col. 4, lines 55-56) would have been a desirable feature in the art, thus it would have been obvious to one of ordinary skill in the art to combine the low cost renting storage area of Kriesman into the high speed access storage facility in order to achieve the low cost renting storage area with high access capability.

6. As to claims 10, 17 and 19, O'Brien further disclosed the feature of notifying the client of the amount of remaining client available storage (e.g., see "Remaining" message of Fig. 14).

7. As to claim11, O'Brien further disclosed the feature of offering additional storage capacity to the client (e.g., see "add space to your X:drive" icon of Fig. 14).

8. As to claims 12 and 20, O'Brien further disclosed the feature of receiving a request for additional storage from the client (e.g., client click on the icon "Add Space to your X:drive").

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9. As to claims 13 and 21, O'Brien further disclosed the feature of delivering the stored media program from storage to the client and increasing the storage allocated to the client by an amount substantially equal to the storage used to store the stored media program (e.g., see "download" and "delete" icons of Fig. 14).

10. As to claims 14-16, they are similar to claims 9-13, 17 and 19-21 with the addition feature of this storage has an expiration date and this storage is made reusable by the client after the expiration date. In Fig. 14 while O'Brien discloses that Andrew Jordan's X:drive capacity is allocated for 35 .00 MB, O'Brien does not explicitly mention that this storage has an expiration date and this storage is made reusable by the client after the expiration date. Such feature of having an expiration date for the use with a specific time is clearly taught by Saigh et al. (e.g., see col. 11, line 43 to col. 12, line 28). As suggested by Saigh et al. at col. 12 (lines 20-23), having a feature of "terminate and stay resident" with re-rent feature is a desirable feature. Thus, it would have obvious to one of ordinary skill in the art at the time the invention was made to recognize and incorporate the teaching of Saigh et al into O'Brien in order to achieve Internet storage resource that is able to terminate the use of his storage when the paid time expired and being able for O'Brien to re-rent this storage later on.

11. Claims 22-23 and 25-26, they are similar in scope as of claims 9-13 and therefore claims 22-23 and 25-26 are rejected for the same reasons set forth above for claims 9-13.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the

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period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

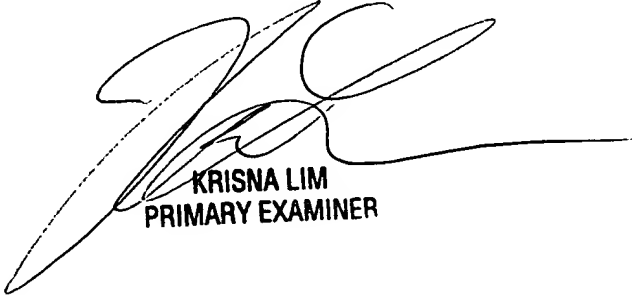
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

May 6, 2005



KRISNA LIM  
PRIMARY EXAMINER